United Nations CERD/C/KGZ/CO/5-7/Add.1

International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
15 May 2014
English
Original: Russian

Committee on the Elimination of Racial Discrimination

Concluding observations on the combined fifth to seventh periodic reports of Kyrgyzstan

Addendum

Information received from Kyrgyzstan on follow-up to the concluding observations*

[Date received: 7 March 2014]

Paragraph 5

1. Presidential Decree No. 74 of 10 April 2013 approved the Policy Framework on Strengthening National Unity and Inter-Ethnic Relations in Kyrgyzstan, which addresses the implementation of the principle according to which citizens have equal rights irrespective of race, ethnic origin and religion.

2. With the aim of tackling socioeconomic disparities between ethnic groups and between rural and urban areas, the National Sustainable Development Strategy 2013–2017 sets out measures to develop regions, agriculture, the energy sector and other strategic industries. These measures will reduce social and economic disparities between ethnic groups and between the rural and urban populations. A programme to improve local government has also been approved. It too will help to reduce disparities between urban and rural populations.

3. With the implementation of the Policy Framework, government agencies will work to bring legislation on inter-ethnic relations into line with the 2010 version of the Kyrgyz Constitution and the country's international obligations.

4. In order to increase the participation of minorities in political and public affairs, the State Agency for Local Government Affairs and Inter-Ethnic Relations established the Inter-Ethnic Public Advisory Council composed of 33 individuals and a panel of 11 experts. The main purpose of the panel of experts is to draw up recommendations for policy

* The present document is being issued without formal editing.

GE.14-02987 (E) 270614 270614

1402987

Please recycle

frameworks, programmes, strategies, plans of action and other documents on local government and inter-ethnic relations.

5. With the same aims, inter-ethnic public advisory councils and public advice bureaux whose members are representative of the ethnic communities living in Kyrgyzstan have been established in regions with multiple ethnic groups. The fundamental aim of the public advisory councils is to foster in society a negative response to shows of intolerance, humiliation and discrimination on grounds of ethnicity; to make proposals for eradicating manifestations of nationalism and extremism in everyday life; and to formulate recommendations on problems of inter-ethnic relations.

6. In addition, to increase the participation of the different ethnic communities in the country's political life and their representation in central and local government bodies, special measures have been included in the electoral law to ensure equal opportunities for the various groups.

7. Public advice bureaux have been opened and are currently in operation, offering citizens and the general public opportunities to work promptly with government agencies for the early warning and prevention of inter-ethnic conflicts.

8. The Ministry of Internal Affairs, in an effort to confiscate illegal arms and ammunition from the public, including those lost or stolen following the events of 2010, regularly uses the media to inform the public of its weapons amnesty. In 2013, leading news agencies published 120 items on citizens who voluntarily surrendered arms illegally in their possession and who were exonerated from criminal charges. Ministry of Internal Affairs units are continuing investigations, police work and preventive action under the code name "Arsenal".

9. In 2013, 609 weapons and 8,153 firearm cartridges were confiscated – 111 weapons and 628 cartridges in Osh province and 106 weapons and 156 cartridges in Jalal-Abad province.

Paragraph 6

10. The Supreme Court of Kyrgyzstan has carried out a number of initiatives to ensure that cases related to the tragic events of 2010 are considered in an objective and unbiased fashion. The Supreme Court sent the heads of local courts a policy clarification calling for the objective and timely consideration of cases linked with the events that occurred in Kyrgyzstan from April to June 2010 and the guarantee of genuine legal protection to citizens in the consideration of cases, irrespective of their ethnic background.

11. Regarding the criminal case against Mr. A. Askarov, the Supreme Court issued a final judgement on 20 December 2011. A panel of judges of the Court upheld the guilty verdicts issued by the courts of first and second instance against Mr. Askarov and others.

12. The court hearings for that criminal case were held as open sessions in a courtroom, both in the lower courts and in the court of supervisory instance. In addition to those involved in the court proceedings, representatives of the media, the Organization for Security and Cooperation in Europe, other international organizations and NGOs keeping track of the developments of the trial were also in attendance.

13. The Supreme Court has issued its final judgement on the case, which is not subject to appeal. It is only possible to reopen the case on the grounds of newly revealed circumstances, as provided for in article 384 of the Kyrgyz Code of Criminal Procedure.

14. Under the reform of the Ministry of Internal Affairs, measures drafted on the restructuring of Ministry of Internal Affairs bodies were approved by Government Decision

No. 220 of 30 April 2013 and focused on the achievement of one principal goal: creating an effective system for law enforcement and public safety that is trusted by society.

Paragraph 9

15. Entrance into State and municipal service is through a competitive selection process regulated by the Civil Service Act, the Municipal Service Act and national regulations. To make the selection process for filling vacancies in government positions transparent, and at the same time prevent racial discrimination, additional measures have been taken to ensure that clearer criteria are introduced into the selection process. For that reason, representatives of civil society, specialists' associations and business groups relevant to the given field are included in the selection commissions of the government bodies. The selection process consists of several stages. At the first stage of the competition, the candidates' documents are reviewed to ensure that they meet the qualification requirements for the vacancy, including in terms of candidates' rights to enter the competition regardless of ethnicity and gender. It is obligatory to pass a test and interview. The testing takes place in the Civil Service Test Centre and its regional branches. The entire test process is recorded on web camera and the recording is saved on the Test Centre's server. The final stage of the competition is an interview held directly at the hiring body itself. To ensure a systematic and fair decision process when assessing candidates' suitability for vacancies, the Civil Service has drafted and distributed to all State bodies a template of the questions to ask candidates during interviews. No complaints have ever been lodged by citizens against the Civil Service on the grounds of ethnic- or gender-based discrimination.

16. The Internal Affairs Authorities Act of 11 January 1994 sets out the practices of internal affairs bodies based on respect for citizens' rights and the protection of each individual irrespective of racial and ethnic origin. In accordance with regulations on the conditions of service for junior and senior staff of Internal Affairs bodies, Kyrgyz citizens are recruited regardless of ethnicity. Transfers of junior officers to more senior posts are via competitions.

17. As at 1 January 2014, 27 ethnicities were represented in the internal affairs bodies, i.e. 5.3 per cent of all employees in the Ministry of Internal Affairs. Senior officials at the Ministry of Internal Affairs always endeavour to build trust at all levels of the population and among ethnic groups and to create a multi-ethnic workforce in Internal Affairs bodies, taking into consideration gender policies.

18. Government Decree No. 220 of 30 April 2013 on measures to reform internal affairs bodies states that "under the country's National Sustainable Development Strategy 2013–2014, the creation of a multi-ethnic workforce in the internal affairs bodies, taking into consideration gender policies, is among the cross-cutting priorities of the reform".

19. As part of the reform of the Ministry of Internal Affairs, a plan of action was adopted and then approved by Government Decree No. 220 of 30 April 2013 (for the period 2013–2017), and confirmed on 30 October 2013 by the Vice-Prime Minister, the chairperson of the Public Order Reform and Development Council of the Kyrgyz Government, Mr. T.B. Mamytov. In the section on staff training, tasks 1, 2 and 8 provide for the following: "to establish suitable standards in this sector, a model for a pilot internal affairs department at district level should be prepared and implemented, focusing on the mixed coexistence of diverse ethnic groups. To train the department's management and staff, quotas should be introduced for representatives of ethnic minorities and women as a percentage of the specific category of people in a given zone". This task will be addressed through relevant orders and instructions to be issued by the Ministry of Internal Affairs.

20. The State Agency for Local Government Affairs and Inter-Ethnic Relations, in collaboration with the Kyrgyz Civil Service, plans to analyse the representation of ethnic communities in public law enforcement agencies and local government. Following the analysis, recommendations will be made as to how to improve the situation.